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DEPARTMENT FOR SCA/CEN (J. MUDGE) AND DRL/PHD (C. KUCHTA-HELBLING)

E.O. 12958: N/A

TAGS: [KDEM](#) [PGOV](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: ALGA LOSES SUIT AGAINST MOJ, PLANS APPEAL

11. (SBU) SUMMARY: On April 20, the Astana city court ruled against opposition movement Alga's lawsuit to overturn a decision by the Ministry of Justice (MOJ) denying Alga's registration as a political party. Alga had claimed that the MOJ had erred in disqualifying at least a third of the signatures in Alga's registration petition. Alga plans to file an appeal of the decision to the Supreme Court. END SUMMARY.

12. (U) On July 23, 2005, Alga, an opposition movement comprised largely of one faction of the disbanded Democratic Choice of Kazakhstan (DCK) party, held a formal meeting to propose founding a new party. Alga filed required registration paperwork with the MOJ on September 22, 2005. Alga included a list of 62,178 founding members, above the minimum statutory requirement of 50,000. Under the law, the MOJ has 30 days to review political party applications and to announce a decision. On October 22, the MOJ suspended the Alga registration process on the grounds that more time was needed to check names submitted for the party list. In response, Alga filed a lawsuit claiming that this suspension was a politically-motivated, illegal extension of the registration deadline. The MOJ continued with namechecks while the suit was pending, eventually determining that at least 20,000 of the names submitted were ineligible. (Note: While press reports put the number at 20,000, Alga representatives claim 30,000 signatures were at issue. End note.) The MOJ notified Alga on February 20 that its registration was denied for insufficient number of founding members.

13. (U) The Astana city court sided with Alga in its April 11 preliminary determination that the MOJ had insufficient evidence for disqualification for the majority of rejected names. Of the contested signatures, the MOJ was only able to prove that 400 were improper. The MOJ withdrew the materials that it had provided to the court to contest the bulk of the signatures. Based on this ruling, many observers believed that Alga would be registered as having met legal requirements in its September 2005 filing. However, the court's verdict, announced April 20, upheld the legality of the MOJ registration committee's denial of Alga's registration application.

14. (SBU) Under the law, Alga has 15 days to appeal this ruling to the Supreme Court. Alga's Astana representative Mauken Omarov indicated to Post's political assistant that the party planned to appeal the decision. Post has requested a copy of the decision for review.

15. (SBU) COMMENT: While seen as a negative development by Alga leaders, the April 20 ruling does not necessarily mean that Alga will not ultimately be registered. The court determined that the MOJ's initial denial was not illegal. Presumably, however,

if Alga resubmits its application with sufficient signatures,  
the MOJ would not be obligated by the ruling to deny the  
application. END COMMENT.

TRACY